

*Carolina, and it is hereby enacted by the authority of the same,* That whenever any widow, on the death of her husband, shall become entitled to dower in his lands in this State, and also in any other State or States, and whenever, on the death of any person, his lands in this State, and also in another State or States, shall descend or be devised to several persons, who by the laws of this, and the other State or States shall hold in the lands so descended or devised undivided estates or interests, whether as parceners, as tenants in common or joint tenants, or by any other undivided tenancy, and such widow cannot without suit obtain assignment of her dower, or such heirs or devisees cannot without suit have partition either for want of the consent of the terre tenants in case of dower, or because of legal inability in one or more of the terre tenants, or in case of partition for want of consent, or because of like inability in one or more of the co-tenants, if such husband or deceased person shall have been at the time of his death a resident of this State, or not a resident at that time of any of the States in which his said lands lie, and in this last case the most valuable part of his lands shall lie in this State, it shall be lawful for such widow, or for any such heir or devisee, or any person claiming by, through or under them, to file a bill of chancery in the Superior Court of Equity, either for the county where the husband or deceased person resided at his death, or wherein any one tract or part of a tract of the land lies in this State, setting forth all of the lands in which the plaintiff is entitled to dower, or in which he has an undivided estate, as well those without as those within the State, described by their names and boundaries, or by the adjoining tracts, and also the estate the testator or intestate had in them, and the supposed value of the lands in each State, and the dower or share in severalty to which the plaintiff and each of his co-tenants is entitled under the laws of the several States in which the several tracts or parts of tracts may lie, and praying for dower to be assigned, and partition to be made of all the tracts as if the lands were situated in the jurisdiction of one sovereign State, respect being had to the value of the interest to which the tenant for dower, and the several co-tenants in joint tenancy, tenancy in common or coparcenary or other undivided tenancy may have in the several tracts by the laws of the several States in which they may be situated, and the material facts set forth in said bill shall be verified by the affidavit of the plaintiff, or his guardian or other person at the discretion of the court; and on the exhibition of such bill, all persons concerned in interest in the lands of which dower is to be assigned or partition is to be made, shall be made parties by process or publication as in other cases in equity according to the practice of the courts of Chancery in this State.

Widow or other heirs, if dower or partition cannot be obtained without suit, may file a bill in chancery in the court of equity for the county where, in dec'd person resided at his death, or wherein part of th' land lies in this State.

What the bill shall set forth.

Facts set forth in the bill to be verified by affidavit.

All persons interested to be made parties as in other cases in equity

What decree court shall make.

II. *And be it further enacted,* That on the hearing of any bill filed under this act of Assembly, the court may and shall by interlocutory order decree dower to be assigned in all the lands of which the husband died seized, as well those within as those without this State, according to the interest of the widow in the